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8 Attorneys for Defendant
9 Fireman's Fund Insurance Company

10
11 IN THE UNITED STATES DISTRICT COURT
12
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14
15

16 EUGENE J. BURGER, an individual;
17 EUGENE BURGER MANAGEMENT
18 CORPORATION, a California corporation;
19 EUGENE BURGER MANAGEMENT
20 CORPORATION, a Nevada corporation;
21 and EUGENE BURGER MANAGEMENT
22 CORPORATION, a Texas corporation, in
23 their corporate capacities; and other named
24 plaintiffs as listed in Appendix A to
Plaintiffs' Fifth-Amended Complaint,

25 Plaintiffs,

26 vs.

27 MICHAEL B. KUIMELIS, individually and
28 doing business as MBK INSURANCE
SERVICES; MBK INSURANCE
SERVICES; KATIE LUCEY (also known
as KATIE O'LEARY); ACORDIA LLOYD
INSURANCE SERVICES; THE
TRAVELERS INSURANCE
COMPANIES; THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS;
THE TRAVELERS LLOYDS COMPANY;
and FIREMAN'S FUND INSURANCE
COMPANY,

Defendants.

AND RELATED CROSS-COMPLAINT

No. C-02-2309 VRW

STIPULATION OF DISMISSAL OF
FIREMAN'S FUND INSURANCE
COMPANY

[F.R.C.P. 41(a)(1)(ii)]

Dept: Department 6, 17th Floor
Judge: Honorable Vaughn R. Walker

SONNENSCHEIN NATH & ROSENTHAL LLP
685 MARKET STREET, 6TH FLOOR
SAN FRANCISCO, CALIFORNIA 94105
(415) 882-5000

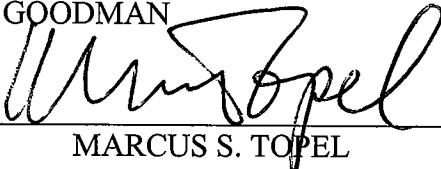
1 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), plaintiffs Eugene Burger, et al.
2 and defendant Fireman's Fund Insurance Company ("Fireman's Fund"), through their
3 designated counsel, hereby agree that the above-captioned action against Fireman's Fund shall
4 be dismissed with prejudice. Each party shall bear his or its own costs and attorneys' fees. The
5 parties respectfully request that the Court approve and give effect to this dismissal.

6 IT IS SO STIPULATED.
7

Dated: 12/20, 2005

TOPEL & GOODMAN

8 By _____
9


MARCUS S. TOPEL

10 Attorney for Plaintiffs Eugene J. Burger, and Project
11 Plaintiffs Griffin House, Vacaville Park Apartments
12 and Village Gardens, Limited

Dated: _____, 2005

BECK LAW OFFICES

13 By _____
14

DANIEL B. BECK

15 Attorney for EBMC, California; EBMC, Nevada,
16 EBMC, Texas, and Project Plaintiffs for which an
17 EBMC entity serves as General Partner or
Management Agent

Dated: 11/28/c, 2005

SONNENSCHEIN NATH & ROSENTHAL LLP

18 By 
19

PAUL E.B. GLAD

20 Attorney for Defendant
21 FIREMAN'S FUND INSURANCE COMPANY

22 IT IS SO ORDERED.
23

24 Dated: _____
25

26 The Honorable Vaughn R. Walker
27 United States District Judge
28

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TOPEL & GOODMAN

8 By _____
9

MARCUS S. TOPEL

10 Attorney for Plaintiffs Eugene J. Burger, and Project
11 Plaintiff's Griffin House, Vacaville Park Apartments
12 and Village Gardens, Limited

13 Dated: 1/9/06, 2006

14 BECK LAW OFFICES

15 By _____
16

DANIEL B. BECK

17 Attorney for EBMC, California; EBMC, Nevada,
18 EBMC, Texas, and Project Plaintiffs for which an
19 EBMC entity serves as General Partner or
20 Management Agent

21 Dated: 11/28/05, 2005

22 SONNENSCHEIN NATH & ROSENTHAL LLP

23 By _____
24

PAUL E.B. GLAD

25 Attorney for Defendant
26 FIREMAN'S FUND INSURANCE COMPANY

27 IT IS SO ORDERED.

28 Dated: April 20, 2006

The Honorable Vaughn R. Walker
United States District Judge

29 •1•

No. C-02-2309 VRW

30 Stipulation of Dismissal of Fireman's Fund
31 Insurance Company